

REMARKS

Claims 22-60 are pending in the Application. The instant Office action erroneously indicates that claims 1-60 are pending. Applicants respectfully submit that claims 1-21 were cancelled in the Preliminary Amendment filed at the time of filing of the Application, February 20, 2004. No claims are amended by this response. Claims 22, 36, and 50 are independent claims, from which claims 23-35, 37-49, and 51-60 depend. Applicants respectfully request reconsideration of the pending claims, in light of the remarks set forth below.

Rejection of Claims

Claims 22-24, 29-31, 33-37, 42-44, 46, 49, 50, 54-57, and 60 were rejected under 35 U.S.C. 102(e) as being anticipated by Henley et al. (US 5,526,353, hereinafter "Henley"). Claims 25, 26, 38, 39, 51, and 52 were rejected under 35 U.S.C. 103(a) as being anticipated by Henley in view of Heath et al. (US 5,231,646, hereinafter "Heath"). Claims 27, 28, 40, 41, and 53 were rejected under 35 U.S.C. 103(a) as being anticipated by Henley in view of Heath, and further in view of Avery et al. (US 5,287,384, hereinafter "Avery"). Claims 32 and 45 were rejected under 35 U.S.C. 103(a) as being anticipated by Henley in view of Hylton et al. (US 5,613,190, hereinafter "Hylton"). Claims 47, 48, 58, and 59 were rejected under 35 U.S.C. 103(a) as being anticipated by Henley in view of Sharman et al. (US 5,774,854, hereinafter "Sharman"). Applicants respectfully traverse the rejections.

I. Henley Does Not Anticipate Claims 22-24, 29-31, 33-37, 42-44, 46, 49, 50, 54-57, and 60.

With regard to the anticipation rejections, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131 also states, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

As an initial matter, following a careful review of the rejections in the instant Office Action, Applicants respectfully submit that the rejections lack specificity. As set forth above, MPEP 2131 states, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference...”, and that “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” (underline added) The Applicants respectfully submit that a *prima facie* case for anticipation has not been made by the rejections.

For example, with regard to the rejection of Applicants’ claim 22, the Office fails to specifically identify the teaching of Henley that discloses Applicants’ “voice communication circuit”. The Office then asserts that component parts of the “voice communication circuit”, namely Applicants’ “at least one processor” and “buffer”, are taught by elements 210, 220, and 250 of FIG. 2 of Henley, respectively. The Office then proceeds to assert that Applicants’ feature “interface circuitry”, which is a component part of the “voice communication circuit” of claim 22, is taught by the whole of FIG. 2 of Henley, without providing a more specific identification of which of the elements in all of FIG. 2 of Henley teaches this feature of Applicants’ claim 22. Applicants are left wondering which of the elements of Henley are alleged to provide the relevant teachings. The rejections of the remaining claims of the Office Action are written in a similar fashion without explanations or reasoning of why the cited teachings anticipate the elements of Applicants’ claims.

The Applicants respectfully submit that, if the features set forth in the Applicants’ rejected claims were so clearly anticipated by Henley, then the Office would have been able to clearly disclose and set forth what specific teachings in Henley indisputably correspond to each and every feature set forth in the Applicants’ claims, as required by 35 U.S.C. § 102(e).

However, the Office Action provides vague, non-specific, and confusing references, without providing any explanation or interpretation regarding the teachings of Henley and the corresponding citations therein.

The failure of the Office to provide clear and specific explanations and interpretation of the teachings of Henley results in making the Applicants’ task of responding to the rejections unreasonably difficult because the Applicants must first set

forth an assumed teaching of Henley and then provide argument against the assumed teachings, instead of the Office Action clearly and specifically setting forth the teachings of Henley and the Applicants responding thereto.

Therefore, because the rejections of the Office Action lack specificity, explanation and interpretation, resulting in an incomplete Office Action, the Applicants respectfully request that any future Office Action, should one be issued, be made non-final. The Applicants also respectfully request that any rejection made in any subsequent Office Action be detailed and specific identify the relevant teachings, so that the Applicants may be provided with at least a first fair opportunity to respond to the rejections without having to create a rejection and then respond thereto.

Accordingly, Applicants respectfully submit that the Office has failed to establish a *prima facie* case of anticipation or obviousness, and that at least claims 22-24, 29-31, 33-37, 42-44, 46, 49, 50, 54-57, and 60 are allowable over Henley.

Notwithstanding the above, Applicants respond to the rejections of claims 22-24, 29-31, 33-37, 42-44, 46, 49, 50, 54-57, and 60 as follows:

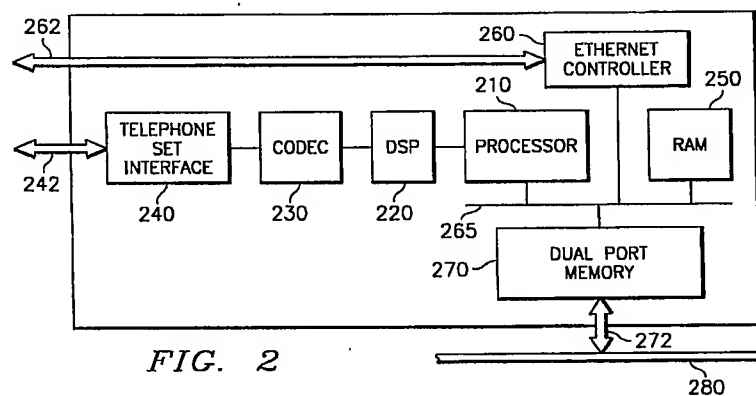
With regard to claim 22, Applicants respectfully submit that the Office has failed to show where Henley teaches each and every element of Applicants' claim 22, which recites "[a] voice communication circuit comprising: at least one processor capable of packetizing digitized voice information to produce at least one voice packet; a buffer capable of storing the at least one voice packet; interface circuitry capable of communicatively coupling the buffer with one of a plurality of interchangeable network interfaces, each of the plurality of interchangeable network interfaces supporting communication of voice packets via an associated type of communication network; the at least one processor capable of determining the associated type of communication network supported by the one of the plurality of interchangeable network interfaces in communication with the interface circuitry; and the at least one processor capable of arranging the transmission of voice packets via the one of the plurality of interchangeable network interfaces based upon the associated type of communication network."

The Office states that Henley teaches "[a] voice communication circuit

comprising: ... a buffer (FIG. 2, 250) capable of storing the at least one voice packet (column 10, lines 40-45);..." and "...interface circuitry (FIG. 2) capable of communicatively coupling the buffer with one of a plurality of interchangeable network interfaces (FIG. 1, 130, 170, column 5, lines 14-16), each of the plurality of interchangeable network interfaces supporting communication of voice packets via an associated type of communication network (FIG. 1, 150, column 9, lines 13-17);...."

Applicants respectfully disagree.

Applicants first address the alleged teachings of FIG. 2, which is shown below:



Applicants respectfully submit that FIG. 2 of Henley, the entirety of which was identified by the Office as corresponding to Applicants' claimed feature "interface circuitry", shows a number of elements including "RAM 250", which the Office identified as teaching Applicants' "buffer". However, Applicants' claim 22 recites the "buffer" element as separate and distinct from "interface circuitry" that couples the "buffer" with "one of a plurality of interchangeable network interfaces...." Applicants respectfully submit that it is not sufficient to merely identify claimed elements in the cited reference, but that the reference must also teach the recited structure. For at least these reasons, Applicants respectfully submit that the Office has failed to show how and why FIG. 2 of Henley teaches these aspects of Applicants' claim 22.

Henley describes FIG. 2 as "a block diagram of a microprocessor-based system constructed in accordance with the present invention." See column 8, lines 9-11. Henley describes the elements of FIG. 2, in part, at column 9, lines 41-64, which state:

Turning now to FIG. 2, illustrated is a block diagram of a microprocessor-based system constructed in accordance with the present invention. The microprocessor-based controller comprises a microprocessor 210, a digital signal processor ("DSP") 220, a CODEC 230, a telephone set interface ("TSI") 240, a TSI connector 242, random-access memory ("RAM") 250, an Ethernet controller 260, an Ethernet controller interface connector 262, a dual port memory 270, and a dual port memory interface connector 272.

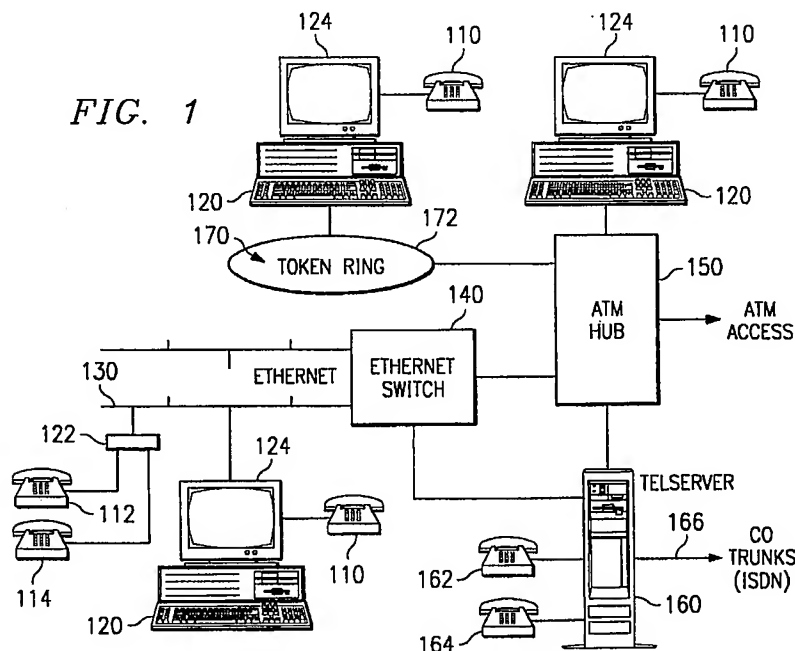
The illustrated embodiment provides standard telephone instrument 110 connectivity into the PC 120 through the TSI 240 and TSI connector 242. The TSI 240 accepts an analog signal from the telephone instrument 110. The TSI connector 242 is preferably a standard RJ-11 connector.

The illustrated embodiment also provides connectivity to the backbone 130 through the Ethernet controller 260 and Ethernet controller interface connector 262. The Ethernet controller 260 transmits data to, and receives data from, the backbone 130. The Ethernet controller interface connector 262 is preferably a standard RJ-45 connector. The Ethernet controller 260 is internally connected to the processor 210 and RAM 250 by an internal local bus 265.

As is shown above, the system of FIG. 2 interfaces to "backbone 130" via an "Ethernet controller 260" and "Ethernet controller interface connector 262", to "standard telephone instrument 110" via a "telephone set interface ("TSI") 240" and a "TSI connector 242", and via a "dual port memory 270" and a "dual port memory interface connector 272" with "I/O bus 280". Applicants respectfully submit that Henley does not teach that "standard telephone instrument 110" and/or "I/O bus 280" are networks, and Applicants respectfully submit that Henley does not teach that either the "telephone set interface ("TSI") 240" and "TSI connector 242", nor the "dual port memory 270" and a "dual port memory interface connector 272" are considered to be network interfaces. Applicants respectfully submit, therefore, that the system of FIG. 2 appears to have only one network interface, "Ethernet controller 260" and "Ethernet controller interface connector 262". Therefore, Applicants respectfully submit that the Office has failed to set forth a reasoned explanation or interpretation of how and why FIG. 2 of Henley teaches or suggests, at least, "...interface circuitry capable of communicatively coupling

the buffer with one of a plurality of interchangeable network interfaces..., as asserted by the Office.

In addition, Applicants respectfully submit that the Office has failed to explain how or why elements 130, 150, and 170 of FIG. 1, shown below, or any other portion or figure of Henley, teach or suggest Applicants' claim 22 feature of "...interface circuitry capable of communicatively coupling the buffer with one of a plurality of interchangeable network interfaces...."



The Office states that Henley teaches "...interface circuitry (**FIG. 2**) capable of communicatively coupling the buffer with one of a plurality of interchangeable network interfaces (**FIG. 1, 130, 170, column 5, lines 14-16**)...." This statement by the Office appears to suggest that elements 130 and 170 of FIG. 1 of Henley, described by Henley as "backbones 130, 170", teach Applicants' feature "...a plurality of interchangeable network interfaces...." Applicants respectfully disagree, and submit that Henley teaches that "backbones 130, 170" are backbone networks, not "network interfaces". In addition, FIG. 1 of Henley fails to teach anything about a plurality of interchangeable network interfaces. The word "interchangeable" may be defined as "...capable of being

interchanged; esp: permitting mutual substitution.” See Merriam-Webster’s Collegiate Dictionary – Tenth Edition, Merriam-Webster, Incorporated, 2002, page 608. Applicants respectfully submit that “backbone 130” is disclosed as an Ethernet network, and “backbone 170” as a Token Ring network. The Office has failed to explain its interpretation of the word “interchangeable” in the context of “interchangeable network interfaces”, and how or why FIG. 1 teaches anything about network interfaces that “permit mutual substitution” across Ethernet and Token Ring networks. The Office has also failed to provide any explanation of how and why the alleged “backbones 130, 170” teach “a plurality of interchangeable network interfaces”, in accordance with Applicants’ claim 22. Applicants respectfully submit that neither the cited elements 130, 150, 170 of FIG. 1, nor the entirety of FIG. 1 of Henley teaches or suggests “...a plurality of interchangeable network interfaces...”, as recited by Applicants’ claim 22.

Applicants now address column 5, lines 14-16 of Henley, which is shown below, underlined:

The system further comprises a packet disassembly circuit, having a buffer associated therewith, for receiving the data packet from the backbone. The packet disassembly circuit inserts the portion into an absolute location of the buffer, the position identifier determining the location, the portion thereby synchronized with adjacent portions of the stream of digital audio data in the buffer to compensate for the variable periods of transmission time.

The portion of Henley shown above teaches a packet disassembly circuit that has an associated buffer for receiving data packets from the backbone, and that the received portion is stored in the buffer with adjacent portions in a manner that compensates for variable transmission time. The Applicants are unable to determine, and the Office has failed to provide any explanation, however, of how and why this portion of Henley teaches “...interface circuitry capable of communicatively coupling the buffer with one of a plurality of interchangeable network interfaces...”, as recited by Applicants’ claim 22. Therefore, based at least upon the above, Applicants respectfully submit that the Office has failed to show where column 5, lines 14-16 of Henley teaches at least this aspect of Applicants’ claim 22.

Applicants now turn to Henley at column 9, lines 13-17, which are underlined, below:

The telephone instruments 110, 112, 114, 162, 154, 164, 174 may be traditional analog instruments, but it is within the scope of the present invention that they be ISDN-compatible or other digital instruments. The PCs 120, 154, 174 are illustrated as being conventional PCs having an expansion or input/output ("I/O") bus preferably adhering to the Industry Standard Architecture ("ISA") or Extended Industry-Standard Architecture ("EISA"). Those of skill in the art will understand that the present invention is not limited to a particular hardware architecture. As will be described with reference to FIG. 2, the I/O bus provides an interface by which the system of the present invention allows communication between the backbones 130, 170 and the hub 150 and the corresponding PCs 120, 154, 174.

Applicants respectfully submit that while the portion of Henley shown above teaches that a variety of telephone instruments and PC I/O busses may be employed in the invention of Henley, the Office has failed to explain how and why the cited portion of Henley teaches or suggests, at least, "...interface circuitry capable of communicatively coupling the buffer with one of a plurality of interchangeable network interfaces...", as recited by Applicants' claim 22. Applicants respectfully request that the Office provide a clear and detailed explanation of what aspects of Applicants' claim 22 this passage is alleged to teach, and how and why this teaching, and the other cited teachings from Henley disclose Applicants' invention of claim 22. For at least these reasons, Applicants respectfully submit that the Office has failed to establish a *prima facie* case of anticipation with respect to claim 22.

Further, Applicants respectfully submit that the Office has failed to show how and why Henley teaches or suggests, at least, "...the at least one processor capable of determining the associated type of communication network supported by the one of the plurality of interchangeable network interfaces in communication with the interface circuitry;...", as recited by Applicants' claim 22.

The Office states that Henley teaches "a voice communication circuit comprising: ... the at least one processor (**FIG. 2, 210**) capable of determining the associated type

of communication network supported by the one of the plurality of interchangeable network interfaces in communication with the interface circuitry (**column 7, lines 37-42; Henley et al** teach the microprocessor-driven packet assembly and disassembly circuits are equipped in separate computers. Thus making communication between the plurality of nodes possible through the interchangeable interfaces claimed previously. Additionally, it is further disclosed that the present invention provides a system for communicating audio data in the packet-based computer network - **column 8, lines 65-66**). Therefore, the associate [sic] type of communication network must be supported by the interfaces);....” See Office action at page 3. Applicants respectfully disagree.

The Applicants respectfully submit that the Office has failed to clearly, specifically, and unambiguously identify the teachings of Henley that disclose Applicants’ “interchangeable network interface” and “interface circuitry”. In addition, the Office has failed to provide a clear and detailed explanation of how and why the cited elements of Henley are arranged to teach Applicants’ features. Accordingly, Applicants respectfully submit that the Office has failed to provide a reasoned explanation that supports the assertion that Henley teaches that Applicants’ element “at least one processor”, identified by the Office as corresponding to “element 210” of FIG. 2 of Henley, is capable of determining the associated type of communication network supported by the one of the plurality of “interchangeable network interfaces”, identified by the Office as “backbones [networks] 130, 170”, that are in communication with the “interface circuitry”, identified by the Office as the entirety of FIG. 2 of Henley. As discussed above, “backbones 130, 170” are communication networks, not “network interfaces”, and further, the Office has failed to provide an explanation or interpretation of how the “backbones 130, 170” teach “interchangeable network interfaces”.

The Office cites Henley at column 7, lines 37-42, which is shown below, underlined:

In a preferred embodiment of the present invention, the computer network of the present invention comprises a plurality of computers coupled to the backbone, the packet assembly circuit and the packet disassembly circuit located in separate ones of the computers. Thus, present invention is designed to operate in a computer network having a plurality of nodes and able to support many ongoing

telephone conversations. The computer network may be of a client-server or peer-peer topology. Thus, the system of the present invention allows a computer network to supplant a private branch exchange ("PBX") system. PBXs are highly proprietary, expensive and relatively inflexible.

Applicants respectfully submit that the cited portion of Henley shown above simply states that the network of Henley preferably comprises a number of computers connected to a backbone network, and may support a number of ongoing conversations. The Office has failed to provide a reasoned explanation or interpretation of how the portion of Henley shown above teaches, at least, "[a] voice communication circuit comprising: ... at least one processor...; ... the at least one processor capable of determining the associated type of communication network supported by the one of the plurality of interchangeable network interfaces in communication with the interface circuitry;...", as recited by Applicants claim 22. Therefore, Applicants respectfully submit that the Office has failed to show where column 7 lines 37-42 of Henley teaches at least this aspect of Applicants' claim 22.

The Office also cites Henley at column 8, lines 65-66, which is shown below, underlined:

Again, the present invention provides a system and method for communicating audio data in the packet-based computer network 100 wherein transmission of data packets through the computer network 100 requires variable periods of transmission time. The present invention is designed to operate in a distributed architecture network 100 with components as herein described.

Although the portion of Henley shown above teaches that the invention of Henley provides for communicating audio data in a packet-based computer network where transmission of data packets through network requires variable periods of transmission time, Applicants respectfully submit that the Office has failed to show where this portion of Henley teaches, at least, "[a] voice communication circuit comprising: ... at least one processor...; ... the at least one processor capable of determining the associated type of communication network supported by the one of the plurality of interchangeable network interfaces in communication with the interface circuitry;...", as recited by

Applicants claim 22. Therefore, Applicants respectfully submit that the Office has failed to show where column 8, lines 65-66 of Henley teaches at least this aspect of Applicants' claim 22.

Based at least upon the above, Applicants believe that claim 22 is allowable over Henley. Applicants respectfully submit that claims 23-35 depend either directly or indirectly from allowable claim 22, and that Henley fails to anticipate claims 23-35, as well. Therefore, Applicants respectfully request that the rejection of claims 22-24, 29-31, and 33-35 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

With regard to claim 36, Applicants respectfully submit that the Office has failed to establish a *prima facie* case of anticipation, as required by M.P.E.P. §2131, for at least the reasons set forth above, and that independent claim 36 is therefore allowable over Campbell. Because claims 37-49 depend either directly or indirectly from claim 36, Applicants respectfully submit that Henley also does not anticipate claims 37-49. Therefore, Applicants respectfully request that the rejection of claims 36, 37, 42-44, 46, and 49 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

With regard to claim 50, Applicants respectfully submit that the Office has failed to show where Henley teaches each and every element of Applicants' claim 50, which recites "[a] machine-readable storage having stored thereon a computer program having a plurality of code sections for implementing a voice communication system, the voice communication system capable of accepting at any point in time one of a plurality of interchangeable network interfaces, each of the interchangeable network interfaces for use with an associated type of communication network, the code sections executable by a machine for causing the machine to perform the operations comprising: detecting the presence of an interchangeable network interface; determining the associated type of communication network for use with the detected interchangeable network interface; establishing a packet voice call via the associated type of communication network; converting analog voice information to transmit voice packets; sending the transmit voice packets via the associated type of communication network using the interchangeable network interface; receiving voice packets via the associated

type of communication network using the interchangeable network interface; and converting the received voice packets to analog voice information.”

Applicants respectfully submit that the Office has failed to establish a *prima facie* case of anticipation, for at least the reasons set forth above.

In addition, Applicants respectfully submit that Henley fails to teach “...determining the associated type of communication network for use with the detected interchangeable network interface; ...”, as recited by Applicants’ claim 50. The Office action states, however, that Henley teaches “...determining the associated type of communication network for use with the detected interchangeable network interface **(column 7, lines 37-42);...**” See Office action at page 7. Applicants now address Henley at column 7, lines 37-42, which is shown below, underlined:

In a preferred embodiment of the present invention, the computer network of the present invention comprises a plurality of computers coupled to the backbone, the packet assembly circuit and the packet disassembly circuit located in separate ones of the computers. Thus, present invention is designed to operate in a computer network having a plurality of nodes and able to support many ongoing telephone conversations. The computer network may be of a client-server or peer-peer topology. Thus, the system of the present invention allows a computer network to supplant a private branch exchange ("PBX") system. PBXs are highly proprietary, expensive and relatively inflexible.

Applicants respectfully submit that the cited portion of Henley shown above simply states that the network of Henley preferably comprises a number of computers connected to a backbone network, and may support a number of ongoing conversations supporting client-server or peer-peer technology. Applicants respectfully submit, however, that the portion of Henley shown above does not teach or suggest, at least, “...determining the associated type of communication network for use with the detected interchangeable network interface;...”, in accordance with Applicants’ claim 50. Indeed, Henley fails to make any mention of determining a type of network. Therefore, Applicants respectfully submit that the Office has failed to show where column 7, lines 37-42 of Henley teach at least this aspect of Applicants’ claim 50.

Applicants respectfully point out that the language of claim 50 clearly differentiates between a “type of communication network” and a “detected interchangeable network interface” usable with the “type of communication network”. In spite of this clear differentiation of a “type of communication network” from a “network interface” used for communicating with the “type of communication network”, the Office repeats the same rejection set forth in claims 22 and 36, in which the Office asserted that the “interchangeable network interface” of Applicants’ claims 22 and 36 is taught by the “backbones [networks] 130, 170” of FIG. 1 of Henley. This obvious inconsistency makes clear that the Office has failed to specifically, clearly, and unambiguously identify the elements of Henley that allegedly teach the features of Applicants’ claims.

Based at least upon the above, Applicants respectfully submit that the Office has failed to establish a *prima facie* case of anticipation, as required by M.P.E.P. §2131, and that claim 50 is allowable over Henley. Applicants respectfully submit that claims 51-60 depend either directly or indirectly from allowable claim 50, and that Henley fails to anticipate claims 51-60 as well, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 50, 51, 54-57 and 60 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

II. The Proposed Combination Of Henley And Heath Does Not Render Claims 25, 26, 38, 39, 51, And 52 Unpatentable

Applicants respectfully submit that claims 25 and 26, claims 38 and 39, and claims 51 and 52 depend, respectively, from independent claims 22, 36, and 50. Applicants believe that claims 22, 36, and 50 are allowable over the proposed combination of references, in that Heath fails to remedy the shortcomings of Henley, set forth above. Because claims 22, 36, and 50 are allowable over the proposed combination of Henley and Heath, Applicants respectfully submit that claims 25, 26, 38, 39, 51, and 52 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 25, 26, 38, 39, 51, and 52 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

III. The Proposed Combination Of Henley And Avery Does Not Render Claims 27, 28, 40, 41, And 53 Unpatentable

Applicants respectfully submit that claims 27 and 28, claims 40 and 41, and claim 53 depend, respectively, from independent claims 22, 36, and 50. Applicants believe that claims 22, 36, and 50 are allowable over the proposed combination of references, in that Avery fails to remedy the shortcomings of Henley, set forth above. Because claims 22, 36, and 50 are allowable over the proposed combination of Henley and Avery, Applicants respectfully submit that claims 27, 28, 40, 41, and 53 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 27, 28, 40, 41, and 53 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

IV. The Proposed Combination Of Henley And Hylton Does Not Render Claims 32 And 45 Unpatentable

Applicants respectfully submit that claims 32 and 45 depend, respectively, from independent claims 22 and 36. Applicants believe that claims 22 and 36 are allowable over the proposed combination of references, in that Hylton fails to remedy the shortcomings of Henley, set forth above. Because claims 22 and 36 are allowable over the proposed combination of references, Applicants respectfully submit that claims 32 and 45 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 32 and 45 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

IV. The Proposed Combination Of Henley And Shaman Does Not Render Claims 47, 48, 58, And 59 Unpatentable

Applicants respectfully submit that claims 47 and 48, and claims 58 and 59 depend, respectively, from independent claims 36 and 50. Applicants believe that claims 36 and 50 are allowable over the proposed combination of references, in that Shaman fails to remedy the shortcomings of Henley, set forth above. Because claims 36 and 50 are allowable over the proposed combination of Henley and Shaman, Applicants respectfully submit that claims 47, 48, 58, and 59, that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 47, 48, 58, and 59 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Conclusion

In general, the Office Action makes various statements regarding the claims of the Application and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of pending claims 22-60 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

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The Commissioner is hereby authorized to charge any fees required by this submission to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Dated: June 16, 2008

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